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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

MELANIE WRATE,
Defendant.

CASE NO. 14-MJ-70839 NJV

~~PROPOSED~~ ORDER AND
STIPULATION EXCLUDING TIME
FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

1 With the agreement of the parties, and with the consent of the defendant, the Court enters this
2 order scheduling an arraignment or preliminary hearing date of April 8, 2015, at 9:30 a.m. before the
3 Magistrate Judge on duty, and documenting the defendant's waiver of the preliminary hearing date
4 under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18
5 U.S.C. § 3161(b), from March 2, 2015 to April 8, 2015. The parties agree, and the Court finds and
6 holds, as follows:

- 7 1. This matter is currently set for arraignment before Magistrate Judge James on March 2, 2015.
- 8 2. The defendant is currently out of custody, and lives over 300 miles from the Courthouse. The
9 defendant is enrolled in college courses, and has an exam scheduled for March 2, 2015.
- 10 3. The parties are working to resolve this matter, and the government has provided the defendant
11 with discovery materials.
- 12 4. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C.
13 § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into account
14 the exercise of due diligence.
- 15 5. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
16 preliminary hearing.
- 17 6. Counsel for the defense believes that postponing the preliminary hearing is in his client's best
18 interest, and that it is not in his client's interest for the United States to indict the case during the normal
19 28-day timeline established in Rule 5.1.
- 20 7. The Court finds that, taking into the account the public interest in the prompt disposition of
21 criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing
22 under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends
23 of justice served by excluding the period from March 2, 2015 to April 8, 2015, outweigh the best interest
24 of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

25 7. Accordingly, and with the consent of the defendant, the Court:

- 26 (1) sets a preliminary hearing date before the duty Magistrate Judge on April 8, 2015, at
27 9:30 a.m., and

1 (2) orders that the period from March 2, 2015 to April 8, 2015, be excluded from the time
2 period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial
3 Act calculations under 18 U.S.C. § 3161(h)(8)(A).

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6 IT IS SO STIPULATED:

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8 DATED: February 27, 2015


_____/s/_____
JOHN J. JORDAN
Attorney for Defendant

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12 DATED: February 27, 2015

_____/s/_____
MATTHEW L. McCARTHY
Assistant United States Attorney

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16 IT IS SO ORDERED.

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18 DATED: 2-27-15



HON. MARIA ELENA JAMES
United States Magistrate Judge